

LONG-TERM CARE FACILITIES: RESIDENTS' BILL OF RIGHTS

290-5-39-.04 Citizenship and Personal Choice.

Residents shall be free from any duty to perform services for the facility and must be permitted to exercise all rights of citizenship and of personal choice in accordance with the following:

(a) All residents legally eligible to vote must be permitted to vote in all primary, special and general elections and in referenda. If requested by the resident, the facility must assist in obtaining voter registration forms, applications for absentee ballots and in obtaining such ballots and assist the resident in meeting all other legal requirements in order to be able to vote. The facility shall not interfere with nor attempt to influence the actual casting of the resident's vote.

(b) All residents must be free to practice their religion and religious beliefs as they choose. All residents must also be free from the imposition, by the facility or any of its employees, of any religious beliefs and practices if they so choose.

(c) All residents must be free to associate, meet and communicate in private with persons of the resident's choice. Residents must be permitted to participate in social, familial, religious, and community group activities of their choice either on or off of the facility grounds, provided that if such event occurs off the facility grounds, the right to leave the facility shall be subject to .10 of these rules and regulations.

(d) All residents shall be permitted (subject to .10 of these rules and regulations) to rise and retire at any time of their choice, provided the resident does not interfere with the rights of others.

(e) Subject to applicable state law and the written policies of the facility given and explained to the resident, guardian and/or representative at the time of admission, all residents must be permitted to use tobacco and to consume alcoholic beverages, as long as the resident does not interfere with the rights of others. This right is subject to .10 of these rules and regulations. Residents shall be notified 30 days in advance of any change in the facility's policies affecting the use of tobacco or consumption of alcoholic beverages;

(f) Subject to .10 of these rules and regulations, all residents must be free to enter and leave the facility grounds as the resident chooses. If the facility desires, as stated in its written policies, it may require a resident to inform the facility at the times he is leaving and re-entering the facility grounds.

(g) The facility must have visiting hours of at least 12 continuous hours in any 24-hour period, seven days a week.

(h) Visitors must be granted access to residents during normal visiting hours provided that each visitor entering a facility promptly discloses his presence and identifies himself to the person in charge and enters the immediate living quarters of a resident only after identifying himself and receiving permission to enter. Place of visitation shall be any place of the resident's choice so long as it does not disrupt the normal operation of the facility or disturb the other residents. Residents may terminate visits at any time. The person in charge may refuse a visitor access or require such a visitor to leave only if:

1. The person in charge has reason to believe that the presence of such visitor would result in severe harm to a resident's health, safety or property; or
2. Access is sought for financial solicitation or commercial purposes; or

3. A resident does not wish such visitor to stay. If access by a visitor is denied, the person in charge shall document such denial, along with the reasons therefor. This section does not limit the power of any public agency, ombudsman, persons from Federally mandated advocacy programs, or other persons permitted or required by state or federal law to enter or inspect a facility.

(i) Residents must be permitted to form resident councils to address any issues they may feel are appropriate or for other purposes and to meet without staff, if residents so desire. The facility must provide sufficient space for meetings of such resident councils and shall assist in attending such meetings those residents who request such assistance. The facility shall not compel the attendance of any residents at such meetings.

(j) Each resident must be permitted to voice complaints and recommend changes in policies, procedures, and services to the administrator, his or her designee, or the residents' council.

Authority Ga. L. 1981, pp. 149-167 (Ga. Code Ann. 88-1907B, 1908B, 1911B, 1918B, 1920B, 1924B).
Administrative History. Original Rule entitled "Citizenship and Personal Choice" was filed on February 5, 1982; effective February 25, 1982.